

Remarks/Arguments:

Claims 1-7 were pending in the application. With this amendment, new claims 28-30 are added and claims 2 and 3 are canceled. Claims 1, 4-7 and 28-30 are therefore pending in the application.

As a preliminary matter, claim 1 as recited herein includes text that was inadvertently omitted in the listing of claims in the previous two amendments. The text was added in the Amendment filed November 13, 2006. This text was properly considered by the Office as included in independent claim 1, as is apparent by the Office's rejection of claim 1 including language directed thereto in the Office Action.

Claim 1 has been amended to include the features of claims 2 and 3. Support for claim 28 can be found, for example, in the originally filed specification in Figures 1 and 4. Support for claims 29 and 30 can be found, for example, in the originally filed specification, at page 9, lines 22-24.

Claims 1 and 4-7 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,997,556 ("Tanner"). Applicants respectfully submit that the currently pending claims are patentable over Tanner for at least the reasons set forth below.

Independent claim 1 recites "[a] graft, comprising: a tubular member; a sealing member configured to substantially prevent fluid leakage therethrough connected to said tubular member and being configured to surround said tubular member, the sealing member including a free end unconnected to the tubular member; and a biasing member connected to said sealing member and configured to provide said sealing member with a frustoconical profile, the free end of the sealing member being biased away from the tubular member by the biasing member."

The Office rejects claims 1 and 4-7 as anticipated by Tanner. Specifically, the Office asserts that Tanner discloses Applicants' invention based on Figures 1-9 of Tanner. The Office asserts that Tanner discloses "a biasing member (151 and (col. 13, lines 6-10)) connected to the free end of the sealing member (21,121) for biasing the free end of the sealing member (21,121) away from the tubular member (11,22,110)." (Office Action, page 3).

The Office asserts that Tanner discloses a biasing member at reference numeral 151 and at the text at col. 13, lines 6-10. As shown in Figure 8 and described at col. 12, lines 1-13 of Tanner, the cuff attachment portion 151 is used to attach the attachment cuff 12 or 121 to the wall of vessel. "The attachment cuff 12 or 121 is secured to the cuff attachment portion 151, by sewing, for example." (Col. 12, lines 3-5). Applicants submit that there is no disclosure in Tanner that the cuff attachment portion 151 provides the attachment cuff 12 or 121 with any shape, much less a frustoconical profile. Rather, it is the insertion of Tanner's attachment cuff and cuff attachment portion into the lumen that provides Tanner's cuff attachment portion and attachment cuff with the shape of the lumen into which it is placed. As discussed in Tanner, "FIG. 11 illustrates the flexibility of the attachment cuff 21 which is similar to attachment cuff 121." (Col. 11, lines 24-26). As shown in FIG. 11, the attachment cuff 21 has a profile when outside of the lumen that is generally perpendicular to the longitudinal axis of graft attachment tube 22. This is not a frustoconical profile.

With respect to the Office's citation of column 13, lines 6-10, Tanner discloses a "ring located at the perimeter. This ring may comprise a metal spring wound into holes cut in the cuff of a polymeric spring which is molded directly to the cuff. The ring serves to keep the cuff fully expanded during the attachment process of the graft to the vessel wall." Here again, the ring is included to "keep the cuff fully expanded," i.e. the cuff expands to a fully extended position that would be generally perpendicular to the longitudinal axis of graft attachment tube 22, as shown in FIG. 11, unless constrained by the walls of the lumen.

Contrary to Applicants' invention as recited in independent claim 1, Tanner fails to teach, disclose or suggest a biasing member connected to said sealing member and configured to provide said sealing member with a frustoconical profile. In contrast to Tanner, Applicants' invention includes a biasing member 44, as shown, for example in Figures 1 and 4, which is configured to provide the sealing member 40 with a frustoconical profile. That is, the sealing member will have a pre-defined frustoconical profile as provided by the biasing member. In other words, in contrast to Tanner's device, which provides a frustoconical profile by the shape-altering force of the lumen into which it is inserted, Applicant's device includes a biasing member that is configured to provide the sealing member with a pre-defined frustoconical profile. When inserted, Applicants' device will form a seal with the lumen wall, but it will not be necessary for the lumen wall (which may be a weakened structure) to exert a force on the

device in order for the device to take on a generally frustoconical profile, as necessary with the device of Tanner.

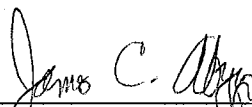
For at least these reasons, independent claim 1 is patentable over Tanner. Claims 4-7 and 28-30 are also patentable over Tanner for at least the reasons that claim 1 is patentable, but may be separately patentable for additional reasons, as well. For example, claim 4 recites that the biasing member further comprises a generally undulating frame, and claim 28 recites that the biasing member is configured to provide the sealing member with a generally uniform force along the frustoconical profile. Applicants submit that Tanner fails to disclose or suggest at least these features.

Conclusion

Applicants respectfully submit that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are hereby respectfully requested.

If the examiner believes an interview, either personal or telephonic, will advance the prosecution of this application, it is respectfully requested that the examiner get in contact with the undersigned to arrange the same.

Respectfully submitted,



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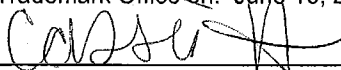
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